BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE V.BHASKARAN NAMBIAR
(RETD.JUDGE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 24930 of 2006(P)

PETITIONERS:
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1. LIJO SEBASTIAN,
S/O.LATE P.C.DEVASIA @ P.C.SEBASTIAN,
CHAMAKKALAYIL HOUSE, ATHIRAMPUZHA P.O.,
KOTTAYAM, PIN-686 562.

2. LIJU SEBASTIAN (MINOR AGED 13 YEARS),
S/O.LATE P.C.DEVASIA @ P.C.SEBASTIAN,
REP. BY MOTHER & GUARDIAN, SMT.ALEYKUTTY SEBASTIAN
CHAMAKKALAYIL HOUSE, ATHIRAMPUZHA P.O.,
KOTTAYAM, PIN-686 562.

BY ADV. SMT.ASHA CHERIAN

RESPONDENTS:
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1. THE GENERAL MANAGER,
KOTTAYAM TEXTILES,
(A GOVT. OF KERALA UNDERTAKING),
KURUMULLOOR P.O., VIA.KANAKKARY,
KOTTAYAM, PIN-686 632.

2. THE ASSISTANT COMMISSIONER,
EMPLOYEE'S PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, KOTTAYAM.

3. THE DISTRICT LABOUR OFFICER,
KOTTAYAM.

4. THE TAHSILDAR,
TALUK OFFICE, KOTTAYAM.

5. SMT.ANNAMMA SEBASTIAN,
KOTTAMURICKAL HOUSE,
KUDAMALLOOR P.O., KOTTAYAM.

6. SMT.GIGIMOL SHAJI,
KOTTAMURICKAL HOUSE,
KUDAMALLOOR P.O., KOTTAYAM.

BY ADV. SRI.RAJESH NAIR (FOR R5 AND R6)
GOVT. PLEADER SRI.M.S.BREEZ (FOR R3, R4)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE BIRTH CERTIFICATE OF THE FIRST PETITIONER DTD 28.5.99.

EXT. P2: COPY OF SECONDARY SCHOOL LEAVING CERTIFICATE EXAMINATION OF THE FIRST PETITIONE DTD 11/7/06.

EXT. P3: COPY OF THE BIRTH CERTIFCATE OF THE 2ND PETITIONER DTD.23/6/04.

EXT. P4: COPY OF THE MEDICAL CERTIFICATE DTD 4/10/1999 OF THE 2ND RESPONDENT ISSUED BY THE MEDICAL COLLEGE, KOTAYAM.

EXT. P5: COPY OF THE MEDICAL CERTIFICATE DTD 8.12.05 OF THE 2ND RESPONDENT ISSUED BY THE MEDICAL COLLEGE, KOTTAYAM.

EXT. P6: COPY OF LETTER DATED 25.8.05 OF THE FIRST RESPONDENT TO THE 2ND RESPONDENT.

EXT. P7: COPY OF LETTER DTD. 18.8.05 OF THE FIRST RESPONDENT TO THE THIRD RESPONDENT.

EXT. P8: COPY OF LETTER DTD NIL OF THE 3RD RESPONDENT.

EXT. P9: COPY OF THE REPORT DTD. 7.7.05 OF THE VILLAGE OFFICER, ATHIRAMPUZHA.

EXT. P10: COPY OF LETTER DTD 4.10.05 OF THE ASSISTANT LABOUR OFFICER,KOTTAYAM.

EXT. P11: COPY OF REPRESENTATION DTD 14.8.06 OF THE FIRST PETITIONER.

/TRUE COPY/

P.A.TO JUDGE

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V.BHASKARAN NAMBIAR (RETD. JUDGE) &
M.R.HARIHARAN NAIR (RETD. JUDGE)

W.P.C. No. 24930 OF 2006

Dated this the 9th day of February, 2007

AWARD

We have heard counsel for the petitioners, counsel for the 2nd respondent and respondents 5 and 6 as also the 2nd, 3rd and 4th respondent in person.

The only dispute in this writ petition is regarding the payment of gratuity due on the death of Sri. P.C.Devasia who was employed in the establishment of the 1st respondent. It is seen that the Provident Fund due to the late P.C.Devasia has been paid to Annamma Sebastian. The surviving dispute only regarding the payment of Rs.1,03,425/- towards gratuity. It is now agreed before us that out of Rs.1,03,425/- a sum of Rs.50,000/- will be paid to Smt. Annamma Sebastian. The balance amount of Rs.53,425/- will be paid to the petitioners 1 and 2. The 2nd petitioner is represented by mother and guardian Smt.Aleykutty Sebastian who will receive the amount. The amount will be paid by the 3rd respondent as per Ext.P7 within 6 weeks from today.

There is also a claim of 1st petitioner who is represented by counsel regarding the appointment by 1st respondent. The 1st respondent agrees to make the appointment to Lijo Sebastian on compassionate grounds. This is agreed by 5th respondent. The 1st respondent will give appointment order to the 1st petitioner on the basis of Ext. P11 application.

V.BHASKARAN NAMBIAR
(RETD. JUDGE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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